

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

FILED

DISTRICT COURT OF GUAM

MAY 31 2007 *hbs*

MARY L.M. MORAN
CLERK OF COURT

CIVIL CASE NO. 06-CV-00025

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A

Plaintiffs,

-v-

DECLARATION OF
AKIO NEZU

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

I, AKIO NEZU, declare under penalty of perjury that the following is true and correct:

1. My name is Akio Nezu. I am over the age of 21 and am competent to make this declaration. I make the following statements to the best of my personal knowledge, confirmed by a reasonable inquiry.

2. I am the Marketing Manager for the embedded microcontroller products for Fujitsu Microelectronics America, Inc. ("FMA") and my office is located at 1250 East Arques Ave., Bldg. M/S 333, Sunnyvale, California 94085-5401..

3. I was responsible for the preparation of the brochure featuring a Johnson & Johnson OneTouch Ultra glucose monitoring system advertising the uses of 8 bit microcontrollers ("MCUs") marketed by FMA. (NTC0089676 in Exhibit 11 of Plaintiffs' Response And Memorandum In Opposition To Defendants' Motions to Dismiss or Transfer.)

ORIGINAL

5. This brochure was intended to show an example of a device that could potentially be a "design fit" for 8 bit microcontrollers and was not intended to indicate an actual sale of microcontrollers from FMA or Fujitsu Limited for incorporation into the Johnson & Johnson OneTouch Ultra glucose monitoring system.

7. I am not aware of any microcontrollers sold by FMA that have actually been incorporated into a glucose monitoring device.

8. Our customer sales database shows that FMA has not made any direct sales to Johnson & Johnson and I am not aware of any sales to distributors that have sold microcontrollers to Johnson & Johnson.

9. I have no knowledge of the actual components in the Johnson & Johnson OneTouch Ultra glucose monitoring system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 30th Day of May, 2007.

By: 
AKIO NEZU